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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
13 Probation Against:

14 **TIMOTHY RYAN DOSSEY**
15 **1300 H Street**
16 **Eureka, CA 95501**

17 **Applicator License No. RA 54088**

18 Respondent.

Case No. 2013-22

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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20 **FINDINGS OF FACT**

21 1. On or about June 16, 2015, Complainant Susan Saylor, in her official capacity as the
22 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
23 Affairs, filed Petition to Revoke Probation No. 2013-22 against Timothy Ryan Dossey
24 (Respondent) before the Structural Pest Control Board. (Petition to Revoke Probation attached as
25 Exhibit A.)

26 2. On or about February 27, 2013, the Structural Pest Control Board issued Applicator
27 License Number RA 54088 to Timothy R. Dossey (Respondent). The Applicator License was in
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1 effect at all times relevant to the charges brought in this petition to revoke probation and will
2 expire on June 30, 2016, unless renewed.

3 3. On or about August 26, 2015, Respondent was served by Certified and First Class
4 Mail copies of the Petition to Revoke Probation No. 2013-22, Statement to Respondent, Notice of
5 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
6 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
7 Professions Code section 136, is required to be reported and maintained with the Board.
8 Respondent's address of record was and is: 1300 H Street, Eureka, CA 95501.

9 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
10 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
11 Code section 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
20 Petition to Revoke Probation No. 2013-22.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.

1 2013-22, finds that the charges and allegations in Petition to Revoke Probation No. 2013-22, are
2 separately and severally, found to be true and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,057.50 as of October 14, 2015.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Timothy Ryan Dossey has
8 subjected his Applicator License No. RA 54088 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator
11 License based upon the following violations alleged in the Petition to Revoke Probation which
12 are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. In a disciplinary action entitled "*In the Matter of the Statement of Issues Against*
14 *Timothy Ryan Dossey*," Case No. 2013-22, the Structural Pest Control Board, issued a decision,
15 effective February 27, 2013, in which Respondent was granted an Applicator License, which was
16 immediately revoked. However, the revocation was stayed and Respondent's Applicator License
17 was placed on probation for a period of three (3) years with certain terms and conditions,
18 including submitting quarterly reports. Respondent failed to comply with the quarterly report
19 submissions provision.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED January 13, 2016

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